

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHARLES GOLBERT, Cook County Public )  
Guardian, on behalf of Trinity B., Romeo S., )  
Connor H., Jadiene T., Jymesha S., Tatyana H. )  
and Jamya B., ) Case No. 19-cv-08257  
)  
Plaintiffs, ) Judge Mary M. Rowland  
)  
v. ) Magistrate Judge Maria Valdez  
)  
AURORA CHICAGO LAKESHORE )  
HOSPITAL, LLC, *et al.*, )  
)  
Defendants. )

**DCFS DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

NOW COME Defendants Beverly J. Walker, former Acting Director of the Illinois Department of Children and Family Services (“DCFS” or “Department”), the Estate of George Sheldon,<sup>1</sup> Neil Skene, Michael C. Jones, Tierney Stutz, Beverly Mims, Marco Leonardo, Denise Ellis, and Brooke Sloan, each of whom is sued in their individual capacity (collectively, the “DCFS Defendants”), by their attorney, Kwame Raoul, Illinois Attorney General, and pursuant to Fed. R. Civ. P. 12(b)(6) move this Court to dismiss this action against them. In support thereof, the DCFS Defendants have filed their memorandum in support of the motion to dismiss and state as follows:

1. Plaintiffs filed their Complaint alleging violations of 42 U.S.C. §1983 against Beverly J. Walker, the Estate of George Sheldon, Neil Skene, Michael C. Jones, Beverly Mims, Tierney Stutz, Marco Leonardo, Denise Ellis, and Brooke Sloan, collectively referred to by Plaintiffs as the “DCFS Defendants.” (Dkt. 1, Complaint, ¶ 1.) Each of the DCFS Defendants is sued in his or her individual capacity. (*Id.* ¶ 22.)

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<sup>1</sup> Beth I. Solomon, DCFS Office of Legal Services, Senior Litigation Counsel, has been suggested as the personal representative of the Estate of George Sheldon. (Dkt. 116.)

2. Plaintiffs' Complaint should be dismissed because it improperly collectivizes the DCFS Defendants and fails to allege facts that tie any of the DCFS Defendants to individual misconduct. Plaintiffs have not adequately alleged any specific personal involvement by any of the DCFS Defendants.

3. Even if Plaintiffs have sufficiently alleged personal involvement, the DCFS Defendants are entitled to qualified immunity.

4. The Eleventh Amendment bars Plaintiffs' claims against the DCFS Defendants because Plaintiffs' Complaint is in practice and effect a suit against the State of Illinois.

5. Once this Court dismisses the federal claims against the DCFS Defendants, this Court should exercise its discretion not to extend its supplemental jurisdiction and should dismiss the state law claims against the DCFS Defendants. In the alternative, this Court should find that Plaintiffs do not state a claim against the DCFS Defendants for the state law claims.

6. Defendants have filed a memorandum in support of their motion to dismiss.

WHEREFORE, for the foregoing reasons and for the reasons stated in the DCFS Defendants' Memorandum in Support of Their Motion to Dismiss Plaintiffs' Complaint, Defendants respectfully request that this Honorable Court grant their motion to dismiss Plaintiffs' Complaint.

Respectfully submitted,

Barbara L. Greenspan  
Assistant Attorney General  
100 W. Randolph St., Suite 11-200  
Chicago, Illinois 60601  
(312) 814-7087  
[Barbara.greenspan@illinois.gov](mailto:Barbara.greenspan@illinois.gov)

KWAME RAOUL  
Illinois Attorney General  
By: s/Barbara L. Greenspan  
Barbara L. Greenspan